

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	MARTINEZ	)	Examiner R. Osorio
		)	
Appl. No.	10/084,965	)	Art Unit 2673
		)	
Confirm. No.	2203	)	
		)	Atty. Docket No. CS10862
Filed:	28 February 2002	)	

Title: "Cellular Communications Handsets Having Variable Appearance Housings And Methods Therefor"

**DECLARATION UNDER 37 C.F.R. § 1.132**

Commissioner for Patents  
Alexandria, Virginia 22313-1450

Sir:

The following Declaration and any attachments are submitted to establish that the Nelson F. Martinez document entitled "Proposed Application of Elector-chromic Polymer to Incorporate into Wireless Communication Device Housing" dated 4-12-2000 and cited by the Examiner in support of the rejection of Claims 10, 14-18, 21,22 & 24-26 in the referenced patent application for anticipation under 35 USC 102(b) in the Office Action of 21 October 2003 is not prior art under 35 USC 102(b).

In support of this Declaration, I, Roland K. Bowler II, Reg. No. 33,477, declare and say the following:

That I am a patent attorney registered to practice, in good standing, before the United State Patent & Trademark Office;

MARTINEZ  
"Cellular Communications Handsets Having  
Variable Appearance Housings...."  
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Declaration Under 37 CFR 1.132  
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That I am employed by Motorola Inc., the assignee of the entire right and interest in the referenced patent application by virtue of an assignment duly recorded in the records of the United States Patent & Trademark Office, REEL/FRAME: 012659/0525;

That, on information and belief, the subject Nelson F. Martinez document entitled "Proposed Application of Elector-chromic Polymer to Incorporate into Wireless Communication Device Housing" dated 4-12-2000 is a copy of a portion of the original invention disclosure material prepared upon or after conception by Mr. Nelson F. Martinez, the inventor of the instant patent application, during the course of employment by Motorola Inc.;

That the subject Nelson F. Martinez document entitled "Proposed Application of Elector-chromic Polymer to Incorporate into Wireless Communication Device Housing" dated 4-12-2000 forms the basis for the instant patent application, duly prepared and filed in the United States Patent & Trademark by Motorola Inc. pursuant to Motorola Inc. standard operating procedures;

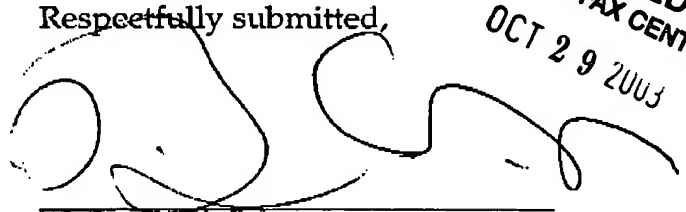
That, on information and belief, the subject Nelson F. Martinez document entitled "Proposed Application of Elector-chromic Polymer to Incorporate into Wireless Communication Device Housing" dated 4-12-2000 was maintained in confidence and secrecy, pursuant to Motorola standard operating procedures, without publication in this or a foreign country and without public use or sale in this country more than 1 year prior to the date on which the instant patent application was filed in the United States Patent & Trademark Office;

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That all statements made herein of our own knowledge are true  
and that all statements made on information and belief are believed to be true;  
and further that these statements were made with the knowledge that willful  
false statements and the like so made are punishable by fine or imprisonment,  
or both, under Section 1001 of Title 18 of the United States Code and that such  
willful false statements may jeopardize the validity of the application or any  
patent issued thereon.

Respectfully submitted,



ROLAND K. BOWLER II 29 OCT. 2003  
REG. NO. 33,477

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